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## SEP 0 5 2007

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FROM: Lesley A. Franklin (Typed or printed name of person signing Certificate)

Fax No. 513-634-0819

Phone No. 513-634-2061

Application No.:

10/719,785

Inventor(s):

**Edward Paul Carlin** 

Filed:

November 21, 2003

Docket No.:

9432

Confirmation No.: 2937

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1) Two Terminal Disclaimers -- Double Patenting Rejection Over a Prior Patent (4 pages)

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/719,785

Inventor(s)

**Edward Paul Carlin** 

Filed

November 21, 2003

Art Unit

3761

Examiner

Melanie Jo Hand

Docket No.

9432

Confirmation No.

2937

Customer No.

27752

Title

TAMPON WITH RECESSED PORTIONS HAVING

MULTIPLE WIDTH'S

# TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

The owner, The Procter & Gamble Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior Patent No. 7,214,218 as the term of said patent is defined in 35 U.S.C. 154 to 156 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent later: expires for failure to pay a maintenance fee, is held

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Appl. No. 10/719,785 Docket No. 9432 Paper dated September 5, 2007 Reply to Office Action mailed on June 1, 2007

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) for submission of this Terminal Disclaimer.

The undersigned is an attorney or agent of record.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

Signature

James E. Oehlenschlager

Typed Name

Registration No. 50,164

(513) 634-3447

Customer No. 27752

(9\_5\_07\_Terminal Disclaimer over Patent\_9432.doc) laf Based on Form PTO/SB/26 (Rev. 04/07); Modified for P&G Use 04/07